Exhibit 2

Deposition of:

Keith Teruya

February 24, 2021

In the Matter of:

WAG Acquistions v Gattyan Group

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

WAG ACQUISITION, L.L.C., Plaintiff,	)	
vs.	)	Civil Action
	)	No. 2:14-cv-02832
GATTYAN GROUP S.a.r.l., et al, Defendants.	)	(ES)(MAH)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
KEITH J. TERUYA
Taken in behalf of Defendants
* * *

February 24, 2021

McMinnville, Oregon

Teresa L. Dunn, CSR, CCR, RPR
Court Reporter

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAG ACQUISITION, L.L.C.,	)	
Plaintiff,	)	
vs.	)	Case No. 2:19-cv-01278-BJR
FLYING CROCODILE, INC., d/b/a FCI, INC., et al,	)	
Defendants.	)	

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
KEITH J. TERUYA
Taken in behalf of Defendants

* * *

February 24, 2021

McMinnville, Oregon

Teresa L. Dunn, CSR, CCR, RPR
Court Reporter

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EXHIBITS

the fact that you gave the appropriate context in the beginning to say that bit was part of the media data. 10:42:08 10:42:11 10:42:15

Q. Okay. So let me re-ask it and see if this is correct. If it's established that the bit is part of audio or video media data then that bit, you would consider it to be a media data element; is that correct? 10:42:18 10:42:23 10:42:26 10:42:30 10:42:34

A. No. I would consider that to be a media data bit which is part of a media data element. 10:42:34 10:42:38

Q. Okay. So in that case what is the media data element that comprises that media data bit? 10:42:44 10:42:49

A. You just defined it. You said it was audio or video. 10:42:53 10:42:56

Q. What's the length of -- 10:43:03

A. That's the example that you gave to me. 10:43:04

Q. What length does that media data element need to be to constitute a media data element? 10:43:07 10:43:11

A. It doesn't have to have specific length because it's defined by its use, use and type. 10:43:13 10:43:20

Q. A media data element is defined by its use and type? 10:43:29 10:43:35

A. No. I said -- you asked me how can I define it. I gave you the answer, it's defined by use and type. 10:43:36 10:43:39 10:43:42

of the user buffer will fill the rate of 32,000 bits per second. 11:40:07 11:40:12

Do you see that? 11:40:13

A. Yes. 11:40:14

Q. Are those units that you would understand the rate to be measured in? 11:40:15 11:40:19

A. Yes, but remember I mentioned in my previous answer about measurement at what level? Do you remember what I said? 11:40:20 11:40:26 11:40:33

Q. Okay. So what level is this discussing here? 11:40:36 11:40:38

A. This is that a media -- a physical network transport media discussion about how many bits per second the internet channel is. 11:40:38 11:40:43 11:40:49

We're not talking about media movement here. We're talking about the maximum rate at which the media could move at this -- by these definitions of bit rates way down at the Ethernet or transport media level, not the media at the upper levels of frame rates for video or anything like that. 11:40:53 11:40:56 11:40:59 11:41:03 11:41:09 11:41:15 11:41:19

And what this would dictate is the responsiveness from a programmatic standpoint about the size of the initial buffer and what is required to make sustained transmission 11:41:20 11:41:24 11:41:28 11:41:31

uninterrupted and what these things will define is the outside capacity of what you can do. 11:41:36 11:41:41

Q. Okay. So the sending rate in claim 1 of the '611 patent is not discussing the data transmission at the transport layer, correct? 11:41:47 11:41:51 11:41:58

MR. ABRAMSON: Object to the form. 11:42:01

THE WITNESS: That's not -- do you want to rephrase that question because there are elements to that statement that are not reflected in what the claim is asserting to. 11:42:02 11:42:10 11:42:14 11:42:21

Q. (By Mr. Wells) Okay. I'm just looking at your previous answer. You said that the bits per second discussion in column 9 has to do with data movement at the transport layer, correct? 11:42:25 11:42:27 11:42:34 11:42:38

A. At the transport media layer. 11:42:41

Q. Okay. So my question is, the sending rate described in claim 1 of the '611 patent is not the rate at that transport media layer, correct? 11:42:46 11:42:52 11:42:56 11:43:00

MR. ABRAMSON: Object to the form. 11:43:00

THE WITNESS: The example that you made me reference, that we just finished referencing, was to provide an example of why it is you may or may not need to fill buffers, at what capacity based, say, on what level of 11:43:01 11:43:08 11:43:13 11:43:19 11:43:27

an I-frame. Do you see that? 11:53:33

A. Hang on, give me just a moment. 11:53:36

Q. Sure. 11:53:42

MR. ABRAMSON: What exhibit is this? 11:53:43

MR. WELLS: It's Exhibit 4. 11:53:45

MR. ABRAMSON: 4? 11:53:50

MR. WELLS: Yes. 11:53:51

THE WITNESS: Okay. I'm there. 11:53:53

Q. (By Mr. Wells) So is an I-frame a media data element? 11:53:54 11:54:07

A. Yes. 11:54:07

Q. Is it true that some frames may be larger than other frames? 11:54:07 11:54:15

A. Yes. 11:54:17

Q. So it's your testimony that a media data element can vary in length, correct? 11:54:17 11:54:23

A. Well, my definition of media data elements is elements. So, you know, if you want to get specific let's define what we're talking about with respect to size because elements to me refers to any object related to that definition. You are getting down to size. 11:54:24 11:54:34 11:54:36 11:54:42 11:54:48 11:54:51

Are we talking about segment sizes? 11:54:57

Q. No, my question was on frame sizes. 11:55:01

A. Okay. 11:55:05